

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CHAPTER 11
	§	
BENDCO, INC.,	§	CASE NO. 18-30849
	§	
Debtor.	§	
	§	

**BANK OF AMERICA'S OBJECTION TO MOTION TO EXTEND TIME TO FILE
DISCLOSURE STATEMENT AND CHAPTER 11 PLAN OF REORGANIZATION**

TO THE HONORABLE U.S. BANKRUPTCY COURT:

COMES NOW, Bank of America, creditor in the above styled and numbered cause, and files this its Objection to the Debtor's Motion to Extend Time to File Disclosure Statement and Chapter 11 Plan of Reorganization, and would respectfully show unto the Court as follows:

1. Bank of America is a secured creditor of the Debtor for \$436,759.20 as of the date of filing. Bank of America's debt is secured by accounts receivables and other business assets.
2. The Debtor and Bank of America have entered into an Agreed Order allowing use of cash collateral (Docket No. 30) and providing adequate protection payments to Bank of America.
3. The Debtor has failed to make payments under the Order allowing use of cash collateral to Bank of America and is delinquent in the amount of \$44,000.
4. Given the breach by the Debtor of the Agreed Order allowing use of cash collateral, the Debtor should not be using any cash collateral.
5. This Chapter 11 case was filed on February 28, 2018. The Debtor is beyond the period of exclusivity for filing a Plan. The Debtor was given a deadline by this Court to file a Plan of Reorganization by December 31, 2018. The Debtor failed to meet that deadline.

6. The Debtor is in crisis due to an alleged, but undetected, embezzlement by a former officer of the Debtor. In part, due to that alleged embezzlement, the Debtor is unable to file a Plan of Reorganization.

7. Because the Debtor is in default of the Agreed Order allowing use of cash collateral, Bank of America opposes any extension of time for the Debtor to file a Plan of Reorganization. If the Debtor cures those missed payments, Bank of America will reconsider its opposition.

WHEREFORE, PREMISES CONSIDERED, Bank of America would request this matter be set for hearing and that upon hearing, this Court enter an Order that denying the Motion to Extend Time to file a Plan of Reorganization and for such other and further relief as Bank of America may show itself justly entitled.

Respectfully submitted,

/s/ Richard G. Dafoe
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the 11th day of January, 2019, to the Trustee, to those requesting notice, and to the parties on the attached, either electronically or by first class mail.

/s/ Richard G. Dafoe
Richard G. Dafoe

TXU Energy
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Fora Financial
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Knight Capital Funding II
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G&A Partners
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Tech Induction
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TUV Rheinland Ind Solutions
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Great Western Metals
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IRIS NDT, Inc.
1115 W. 41st St.
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Accutest Labs
7821 Pinemont
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Adobe Equipment
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Dixie Pipe Sales, LP
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